

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 13th DAY OF MARCH 2006, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins (arrived 6:30 p.m.)	
	James D. Politis (arrived 6:10 p.m.)	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Marc Mcgruder	-Budget Manager
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business= or industry=s interest in locating or expanding its facilities in the community.

1. Project # 2006-001

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

1. Bethel Elementary School Property

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. A&E Contract for Courthouse Project

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Annette S. Perkins
Doug Marrs		James D. Politis
Mary W. Biggs		
John A. Muffo		
Steve L. Spradlin		

Supervisor Politis arrived at 6:10 p.m.
Supervisor Perkins arrived at 6:30 p.m

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Doug Marrs

Mary W. Biggs

Annette S. Perkins

James D. Politis

John A. Muffo

Gary D. Creed

Steve L. Spraldin

NAY

None

CERTIFICATION OF CLOSED MEETING

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs

Annette S. Perkins

James D. Politis

John A. Muffo

Gary D. Creed

Doug Marrs

Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

Supervisor Perkins stated for the record she certifies the closed meeting for the time she attended the closed meeting. Supervisors Perkins arrived at 6:30 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

MOMENT OF SILENCE – GEORGE PORTERFIELD

Supervisor Biggs called for a moment of silence in memory of George Porterfield, who passed away the evening of March 12, 2006. Mr. Porterfield retired from the Montgomery County Public School system after serving 31 years, with 21 years as principal of Christiansburg High School.

PUBLIC ADDRESS

Sarah Copenhaver, Boys & Girls Club of the New River Valley, thanked the Board for their support of the Boys and Girls Club. The Boys and Girls Club has partnered with Montgomery County Public Schools to have sites at the Blacksburg Middle School, Christiansburg Middle School, and Shawsville Middle School. There are over 400 members with an average daily attendance of 140 students. Ms. Copenhaver described several programs offered through the Boys and Girls Club and how they have a positive impact on the students.

The following individuals spoke in support of fully funding the proposed school budget:

Juliet Ryan, Bob Baudo, Robbie Jones, Alicia Spitzer, Dr. Tiffany Anderson – School Superintendent, Harvey Goodwin, Anige Cornett, Jane Vance, and Cathy Bennett

Lack of funds were addressed in areas of administrative staff, bus drivers, custodians, cafeteria workers, special needs students, technology, and teacher raises.

The following individuals spoke in support of capital facility needs in the Auburn Strand and the overcrowding of Auburn Middle School:

Dennis Nagel, Ashley Sowers, John Otey, Linda Burcham, Bob Canevari, Julie Snyder, Renee Underwood, Michell Caldwell, Carolyn Jones, and Angie Scott

They urged the Board of Supervisors to hold a bond referendum in November and not burden the referendum with unnecessary issues, such as the renovation of the courthouse.

Tom Roberts, Roberts Engineering, asked the Board to consider tabling the Stratford Group, Inc. rezoning request for Sterling Manor Phase III, pending further information on access roads for public safety vehicles. This rezoning request is listed under Old Business for the Board's consideration.

DELEGATION

Virginia Department of Transportation

David Clarke, Resident Engineer, updated the Board on road issues in Montgomery County. VDOT is working on several revenue sharing projects such as Brush Creek Road, Crab Creek Road and Fishers View Road. Mr. Clarke reported that Seven Mile Tree Road, which was added to the FY 05-06 Revenue Sharing projects, is an interstate frontage road in the primary system, therefore could not be upgraded/paved under the revenue sharing program. He recommended that the Board of Supervisors request the Commonwealth Transportation Board to consider changing the status of Seven Mile Tree Road from a frontage road to a secondary road.

Mr. Clarke also reported that the environmental evaluation on the first phase of Interstate 81 improvements has been completed. Several public hearings across the state will be scheduled to receive public comment on Phase I of the Interstate 81 improvements.

ADDENDUM

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the following addendum dated March 13, 2006 was added to the agenda under New Business:

Resolution Authorizing the Industrial Development Authority to enter into a Lease Agreement with Luna Innovations.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo
James D. Politis
Annette S. Perkins
Mary W. Biggs
Doug Marrs
Gary D. Creed
Steve L. Spradlin

NAY

None

CONSENT AGENDA

On a motion by John A. Muffo, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated March 13, 2006 was approved:

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Gary D. Creed	
Doug Marrs	
Mary W. Biggs	
Steve L. Spradlin	

Approval of Minutes

On a motion by John A. Muffo, seconded by Doug Marrs and carried unanimously, the minutes dated February 13, February 20, and February 27, 2006 were approved.

A-FY-06-80 EMERGENCY SERVICES COORDINATOR GRANTS JUSTICE ASSISTANCE GRANT

On a motion by John A. Muffo, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

111	Emergency Services Coordinator Grants	\$12,960
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
434401	Justice Assistance (JAG)Grant	\$12,960

Said resolution appropriates grant monies received from the Justice Assistance Grant for the Montgomery County Sheriff's Office and the Town of Blacksburg Police Department.

A-FY-06-81
VDOT REVENUE SHARING PROGRAM
APPROPRIATION OF PORTION OF FY 2005-06 FUNDS
FOR REMITTANCE TO VDOT
FISHER'S VIEW ROAD (SR 600)

On a motion by John A. Muffo, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

100	Board of Supervisors	\$ 62,500
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451205	Designated Fund Balance	\$ 62,500
	Road Maintenance Reserve	

Said resolution appropriates a portion of Montgomery County's FY 2005-06 VDOT Revenue Sharing funds for road improvements on Fisher's View Road (SR 600).

A-FY-06-82
SHERIFF
RECOVERED COSTS

On a motion by John A. Muffo, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

320	Sheriff – County	\$1,451
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$1,451

Said resolution appropriates recovered costs from deputies working security and restitution for damage caused by inmates.

R-FY-06-122
NEW RIVER/MOUNT ROGERS
WORKFORCE INVESTMENT BOARD
APPOINTMENT

On a motion by John A. Muffo, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia recommends that **O. Wayland Overstreet** be reappointed to the **New River/Mount Rogers Workforce Investment Board** as the at-large business representative for Montgomery County effective April 1, 2006 and expiring March 31, 2009.

R-FY-06-123
WESTERN VIRGINIA EMERGENCY MEDICAL
SERVICES (EMS) COUNCIL, INC.
APPOINTMENT

On a motion by John A. Muffo, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Gregory L. Hutchins** to the **Western Virginia Emergency Medical Services Council, Inc.** effective March 14, 2006 and expiring March 13, 2009.

OLD BUSINESS

ORD-FY-06-21
AN ORDINANCE AMENDING CHAPTER 10,
ENTITLED ZONING, SECTION 10-24
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA,
BY ALLOWING FOR LOW DENSITY SUBURBAN RESIDENTIAL USES IN
VILLAGE EXPANSION AND RESIDENTIAL TRANSITION AREAS
TO BE ZONED R-1 WHEN THE AREA IS ONLY SERVED
BY WATER OR SEWER BUT NOT BOTH.

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, Entitled Zoning, Section 10-24 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec. 10-24. R-1 Residential District.

(1) *Purpose.* The R-1 Residential District is intended to accommodate moderate density, suburban residential uses to be served by public water and sewer facilities and low density suburban residential uses in the village expansion and residential transition areas to be served by public water and/or sewer facilities. It includes areas currently zoned R-1 and planned for ~~urban or rural expansion~~ residential transition, villages, village expansion and urban expansion as shown in the comprehensive plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life and to permit certain limited commercial and institutional uses of a scale and character that will not create concentrations of traffic, crowds of customers, general outdoor advertising or other conflicts with the neighboring residential uses.

To these ends, retail activity is sharply limited, and this district is protected against encroachment of general commercial or industrial uses. Residential uses are limited to single family structures. Although this district is basically residential in character, certain compatible public and semipublic uses are permitted in the district.

(2) *Qualifying lands.* Lands qualifying for inclusion in the R-1 zoning district shall be R-1 residential on the date of adoption of this chapter and other lands within areas mapped as residential transition, village, village expansion, or urban expansion in the comprehensive plan. The minimum area required to create a district shall be three (3) acres of total contiguous land.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and with all other applicable regulations:

- (a) Bed and breakfast homestay.
- (b) Church.
- (c) Dwelling, single-family.
- (d) Home occupation.
- (e) Library.
- (f) Pet, household.
- (g) Public utility lines, other.
- (h) Public utility lines, water or sewer.
- (i) School.
- (j) Telecommunications tower, attached

(4) (i) Uses permissible by special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all applicable regulations:

- (a) Bed and breakfast inn.
- (b) Cemetery.
- (c) Civic club.
- (d) Country club.
- (e) Day care center.
- (f) Fire, police and rescue stations.
- (g) Funeral home.
- (h) Golf course.
- (i) Home business.
- (j) Nursing home.
- (k) Park, lighted or unlighted.
- (l) Playground, lighted or unlighted.
- (m) Private club.
- (n) Public utility plant, other.
- (o) Public utility plant, water or sewer.

(4)(ii) The following uses may be permitted by the Board of Zoning Appeals as Special Uses, subject to the requirements of this Chapter and all other applicable regulations:

- (a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height.
- (b) Cemetery.
- (c) Civic club.
- (d) Country club.

- (e) Day care center.
- (f) Fire, police and rescue stations.
- (g) Funeral home.
- (h) Golf course.
- (i) Home business.
- (j) Nursing home.
- (k) Park, lighted or unlighted.
- (l) Playground, lighted or unlighted.
- (m) Private club.
- (n) Public utility plant, other.
- (o) Public utility plant, water or sewer.

(5) *Lot requirements.*

- (a) *Minimum lot area.* Twenty thousand (20,000) square feet.
- (b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system.
- (c) *Maximum lot coverage.* Building coverage shall not exceed thirty (30) percent of gross site area. Impervious surfaces shall not exceed fifty (50) percent of gross site area.
- (d) *Minimum width.* One hundred (100) feet at the setback line of the front yard.
- (e) *Maximum length/width ratio.* Five to one (5:1).

(6) *Building requirements.*

- (a) *Minimum yards.*
 - 1. *Front.* Forty (40) feet.
 - 2. *Side.* Fifteen (15) feet for each principal structure.

3. *Rear.* Forty (40) feet.
 4. *Accessory buildings.* Ten (10) feet to any side or rear lot line.
- (b) *Maximum building height.* Buildings may be erected up to thirty-five (35) feet in height from grade, except that:
1. The height limit for dwellings may be increased up to ten (10) feet, provided that there are two (2) side yards for each permitted use, each of which is fifteen (15) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.
 2. A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty (60) feet from grade, provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
 3. No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.
- (7) *Use limitations.*
- (a) *Public water and wastewater service.* Public water and wastewater services are required for all moderate density developments in any R-1 district established after the date of adoption of this chapter. In instances when public water or public wastewater service is not available, low density developments located in Village Expansion and Residential Transitions areas as indicated on the Comprehensive Plan may be allowed in R-1 when these developments are serviced by either public water or public wastewater, but not both.
- (b) *Keeping and raising horses and ponies.*
1. Horses and ponies may only be kept for personal enjoyment and not for commercial purposes;
 2. A minimum of five (5) acres of open or forestal land is available for the horses and ponies; and
 3. No more than two (2) horses and ponies collectively (being one (1) horse and one (1) pony, two (2) horses, or two (2) ponies) shall be permitted per each five (5) acres with a maximum of four (4) horses and ponies collectively for parcels of land of ten (10) acres or more.
- (8) *Compact development option.* The purpose of the compact development option is to provide flexibility in site design in order to encourage:

- Natural resource preservation.
- Pedestrian-friendly streetscapes.
- Cost-efficiency in providing infrastructure.
- Appropriate design solutions for unique site conditions.

Use of the compact development option is voluntary on the part of applicants.

The compact development option permits smaller lot sizes in return for providing permanent green space within the development, and a more compact, cost-effective network of streets and utilities. Except for modifications to the lot and building requirements defined below, all other provisions of the R-1 district pertain to the compact development option.

(a) *Lot requirements for compact option.*

1. *Minimum lot size.* Fourteen thousand (14,000) square feet, provided that no less than twenty-five (25) percent of the gross area parent tract is preserved in permanent green space, as defined herein.

2. *Minimum required green space.*

a. *Minimum lot area.* Twenty-five (25) percent of the gross area parent tract. No one

(1) lot of such required green space in any compact development shall be less than fourteen thousand (14,000) square feet. Green space may include active or passive recreational uses, and may be held in either public or private ownership. Green space established for purposes of meeting the requirements of this provision shall be restricted from any future development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the county. Accessory structures such as picnic shelters, ball fields, and nature trails shall be permitted within the green space. Parking areas and enclosed buildings are prohibited on the green space.

b. *Maximum length/width ratio.* Five to one (5:1).

c. *Minimum width.* Eighty (80) feet at the setback line of the front yard.

(b) *Building requirements for compact option.* Minimum yards:

1. *Front.* Thirty (30) feet.

2. *Side*. Fifteen (15) feet for each principal structure.
3. *Rear*. Thirty (30) feet or more.
4. *Accessory buildings*. No less than ten (10) feet to side

The vote on the foregoing ordinance was as follows:

AYE

James D. Politis
John A. Muffo
Gary D. Creed
Doug Marrs
Mary W. Biggs
Annette S. Perkins
Steve L. Spradlin

NAY

None

**R-FY-06-124
RESOLUTION TABLING THE ZONING
CLASSIFICATION OF APPROXIMATELY 21.9 ACRES
FROM AGRICULTURE (A-1) TO RESIDENTIAL (R-1)
STRATFORD GROUP, INC.**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Stratford Group, Inc. (Agent: Roberts Engineering, Inc.) request to rezone approximately 21.9 acres from Agriculture (A-1) to Residential (R-1) to allow the development of 14 single family, detached dwellings, located on the north side of Prices Fork Road (State Rte 685) and to the east of Stratford View Drive and is identified as Tax Parcel Nos. 52-A-16, 18, 22 (Acct ID # 013794) in the Prices Fork Magisterial District **is hereby tabled to the March 27, 2006 Board of Supervisors meeting** in order to receive additional information concerning additional emergency access.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo
Gary D. Creed
Doug Marrs
Mary W. Biggs
Annette S. Perkins
James D. Polits
Steve L. Spradlin

NAY

None

The Board of Supervisors tabled the Stratford Group Inc. rezoning request at the request of their agent, Roberts Engineering. Stratford Group requests additional time to address concerns by the Board regarding additional access for public safety.

NEW BUSINESS

**R-FY-06-125
AMEND FY 2005-2006 POSITION
CLASSIFICATION PLAN
RECLASSIFICATION
MONTGOMERY- FLOYD REGIONAL
LIBRARY DIRECTOR**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby approves and authorizes the following change to the FY2005-2006 Position Classification Plan:

1. Reclassification of Library Manager (1 classification at pay grade 225) to Library Director (pay grade 228)

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Mary W. Biggs	Gary D. Creed	Doug Marrs
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Steve L. Spradlin		

**R-FY-06-126
REVENUE SHARING FY 2005-2006
YELLOW SULPHUR ROAD
CHANGE SCOPE OF PROJECT**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, By resolution dated March 14, 2005 and amended on June 13, 2005 and February 13, 2006, the Board of Supervisors authorized an amount up to \$372,460 for the

Revenue Sharing Program, to be taken from the General Fund for the fiscal year ending June 30, 2006 and to be matched on a dollar-for-dollar basis from funds of the Commonwealth of Virginia; and

WHEREAS, Yellow Sulphur Road (SR 643) was listed as project #4 on the FY 2005-06 Revenue Sharing Projects in an amount of \$85,000 (\$42,500 County share and \$42,500 VDoT share) for bridge work on the road; and

WHEREAS, A citizen's meeting was held on January 31, 2006 about Yellow Sulphur Road to give the citizens an opportunity to discuss their concerns about the needed improvements to Yellow Sulphur Road; and

WHEREAS, The citizens made it clear that the residents would like to see some spot widening done under the Revenue Sharing Program instead of bridge work which was listed on the County's Revenue Sharing Projects for FY 2005-06; and

WHEREAS, The Board of Supervisor wishes to change the scope of the current Revenue Sharing Project from bridge work to spot widening.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby requests the Virginia Department of Transportation to change the scope of the current Revenue Sharing Project from bridge work to spot widening on the 2.75 mi unpaved portion of Yellow Sulphur Road (SR 643).

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Doug Marrs	
Steve L. Spradlin	

Chair Spradlin read for the record the following paragraph from the above resolution:

WHEREAS, The citizens made it clear that the residents would like to see some spot widening done under the Revenue Sharing Program instead of bridge work which was listed on the County's Revenue Sharing Projects for FY 2005-06.

Chair Spradlin explained that the change to the scope of the project for Yellow Sulphur Road is at the request of the residents who live on Yellow Sulphur Road. At the January 31, 2006 community meeting, the citizens felt that it would be more beneficial to have spot widening along Yellow Sulphur Road instead of work on the bridge.

R-FY-06-127
RESOLUTION OF APPRECIATION
INDUSTRIAL DEVELOPMENT
JAMES A. MATTOX

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, James A. Mattox has faithfully served as a member of the Industrial Development Authority since January 1994; and

WHEREAS, James A. Mattox served as Chairman of the IDA in 1994 and as Vice Chairman in 2004; and

WHEREAS, The County recognizes the impartial and dedicated service that **James A. Mattox** has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **James A. Mattox**.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **James A. Mattox** and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins
James D. Politis
John A. Muffo
Gary D. Creed
Doug Marrs
Mary W. Biggs
Steve L. Spradlin

NAY

None

R-FY-06-128
RESOLUTION AUTHORIZING THE INDUSTRIAL
DEVELOPMENT AUTHORITY OF MONTGOMERY
COUNTY, VIRGINIA TO ENTER INTO A LEASE
AGREEMENT WITH LUNA INNOVATIONS

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia (**the “Board of Supervisors”**) that the Board of Supervisors hereby agrees that the Industrial Development Authority of Montgomery County, Virginia, (**the “Authority”**) is authorized to

enter into a Lease Agreement with Luna Innovations, or its appropriate subsidiary company, to Lease approximately 31,300 sq. ft. of the 109,000 sq. ft. Technology Manufacturing Building in the Blacksburg Industrial Park.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Authority is hereby authorized to obtain a loan up to \$570,000 in financing from a local lending institution to be used towards the Technology Manufacturing Building upfit and to be repaid from the Luna Innovations Lease Revenue.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board of Supervisors hereby agrees that should the Authority fail to repay the loan of \$570,000 plus interest in accordance with the terms of repayment, the Board of Supervisors acknowledge that to the extent permitted by law and subject to future appropriation by the Board of Supervisors, the County shall re-pay the Authority's outstanding loan amount for the Technology Manufacturing Building upfit.

This resolution shall take effect immediately.

ADOPTED THIS 13th OF MARCH, 2006.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Steve L. Spradlin	

INTO WORK SESSION

On motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Presentation of the FY 2006-2007 Proposed Budget
2. Advertised Tax Rate

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Gary D. Creed	
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
Steve L. Spradlin	

FY 2006-2007 BUDGET PRESENTATION

The County Administrator formally presented the proposed budget for Montgomery County for the Fiscal Year 2006-2007. The proposed budget totals \$133.2 million, an increase of \$10.4 million over the FY 2005-2006 budget.

The Budget Manager provided a presentation on the proposed budget, along with detailed information. As the County Administrator reported the proposed budget totals \$133.2 million. A \$3.2 million increase or 30% for the County General Fund, a \$7.3 million increase or 69% for the School Operating Fund and a 1% increase for the School Cafeteria Fund. Of the \$133.2 million, \$32.9 million or 24.7% goes toward the County General Fund, \$89.6 million or 67.23% goes toward the School Operating Funds, and \$10.7 million or 8.9% goes toward General Debt Fund.

The County departments requested \$4.4 million in new funding. The request was reduced by \$2.6 million and a total of \$1.79 million is recommended. The School Board requested a total of \$5.9 million in new funding and a total of \$945,374 is being recommended plus an additional \$425,000 added to the base budget from one time expenditures for a total of \$1.37 million. The \$1.37 million is county funding, while the Schools will receive an additional \$6.3 million in new state funding.

The County Administrator is recommending a real estate tax increase of 4 cents, increasing the tax rate from 67 cents to 71 cents in order to generate enough revenue to fund the proposed budget. Many legitimate requests were deferred or not recommended in order to contain the tax rate necessary to fund the essential operations of the County.

The Budget Manager reported the next steps are to advertised the tax rate, hold the public hearing on the advertised tax rate, review the proposed budget, set a tax rate and adopt the budget.

The County Administrator recommended that a resolution to set the advertised tax rate be added to the March 27, 2006 meeting. By consensus, the Board agreed to consider the advertised real estate tax rate at their March 27, 2006 meeting.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo
Gary D. Creed
Doug Marrs
Mary W. Biggs
Annette S. Perkins
James D. Politis
Steve L. Spradlin

NAY

None

COUNTY ADMINISTRATOR'S REPORT

Sheriff – Budget Issues The County Administrator reported he is continuing to work with the Sheriff regarding budget issues. They are working on submitting a grant proposal for the video equipment requested by the Sheriff.

County/School Liaison Meeting County and School liaison representatives have suggested a joint meeting be scheduled to discuss mutual items of concerns, such as potential bond referendum and capital needs. The School Board recommended April 11, 2006 and the Board of Supervisors agreed. The County Administrator was instructed to contact the School Superintendent's Office to confirm this date.

Courthouse Renovation Project

The County Administrator recommended that the County enter into a general services contract with Thompson and Litton to perform a Preliminary Architectural Report (PAR) on the courthouse project. The PAR will help identify and evaluate critical components of the project, which will enable the courts, county staff, and the Board of Supervisors to have a clear understanding of the project size, location, and associated costs.

R-FY-06-129 RESOLUTION AUTHORIZING A GENERAL SERVICES CONTRACT WITH THOMPSON AND LITTON FOR A PRELIMINARY ARCHITECTURAL REPORT COURTHOUSE PROJECT

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia the County Administrator is hereby authorized to enter into general services contract with Thompson and Litton (T&L) to perform a revised expanded Preliminary Architectural Report (PAR) on the courthouse project, at a price not to exceed \$120,200.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins

James D. Politis

John A. Muffo

Gary D. Creed

Doug Marrs

Mary W. Biggs

Steve L. Spradlin

NAY

None

County Administrator's Report Continued

Issuance of General Obligation Bonds – Voter Referendum

The County Administrator provided information concerning the legal procedures and requirements that have to be met before a county may hold a referendum on the issuance of general obligation bonds. He also provided information on past bond referenda and information on a recent bond referendum held by Spotsylvania County.

Several Board members believed that if the Board chose to hold a bond referendum then it should not be done hastily just to meet deadlines for the November 2006 election. The Board will need to decide what future capital projects are needed, not just for the schools but for the entire county.

BOARD OF SUPERVISORS' REPORTS

Supervisor Marrs Western Virginia Regional Jail Authority Supervisor Marrs updated the Board on the type of roof proposed for the new regional jail. The WVRJA will address all concerns with the contractor. Supervisor Marrs also reported that a total of 13 applications have been received for the superintendent's position. The State Compensation Board will authorize the total number of positions to be filled at the regional jail.

Supervisor Creed requested staff to provide how big a tax rate increase it would take to fully fund the School Board's proposed budget. He also requested an estimated cost to fund three new schools; Prices Fork Elementary, Elliston-Lafayette Elementary, and Auburn Middle or Auburn High School. Supervisor Creed believes a realistic figure needs to be put forth to the citizens about the increase in real estate taxes if the Board of Supervisors would fully fund the school budget.

Supervisor Biggs - School Board Supervisor Biggs reported that the School Board amended their CIP plan to include/revise three critical projects. These projects were moved to the top of the list, which includes Prices Fork Elementary, Elliston-Lafayette Elementary, and Auburn Middle or Auburn High School. A copy of the School's CIP Report was submitted by Supervisors Biggs to be provided to the Board members. A copy of the projected enrollment report was also provided for distribution to the Board members.

Procurement of School Busses - Supervisor Biggs stated in the past the School Board would use funds remaining at the end of the fiscal year to purchase school busses. She believes this practice may lead to purchasing different style of busses, which may be more expensive in the long run, in trying to keep different parts available in the garage.

"Take Back the Night" Proclamation Supervisor Biggs requested that the Board adopt a proclamation on behalf of the "Take Back the Night" Rally and March held annually at Virginia Tech. This event is to protest violence against women.

**R-FY-06-130
PROCLAMATION
"TAKE BACK THE NIGHT"
RALLY & MARCH**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The first "*Take Back the Night*" event was held in Germany in 1973 in response to a series of sexual assaults, rapes, and murders; and

WHEREAS, Five years later the first U.S. "*Take Back the Night*" march was held in San Francisco with over 5,000 women from 30 states participating; and

WHEREAS, Since that time, marches have been held in many cities throughout the United States, Canada, Latin America, India and Europe; and

WHEREAS, In Virginia "*Take Back the Night*" marches have been held in Richmond and Charlottesville, and at Radford University, Hollins College, Roanoke College, and Virginia Tech where marchers have called attention to violence against women -- the sexual harassment, misogyny, rapes, and murders; and

WHEREAS, The seventeenth annual “*Take Back the Night*” Rally and March will be held on Thursday, March 30, 2006 beginning at 6:30 p.m. on the Drillfield in front of Burruss Hall at Virginia Tech and participants will march through campus and downtown Blacksburg, to bring our community together to protest violence against women and to promote awareness of attitudes, beliefs, and behaviors which perpetuate this violence.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia supports the seventeenth annual “*Take Back the Night*” event which is part of *Women’s Month 2006*.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	
Steve L. Spardlin	

Board Members’ Reports Continued

Supervisor Muffo requested a copy of the “Take Back the Night” Proclamation and he will forward it to Susan Anderson, Co-Chair for the event.

Planning Commission Supervisor Muffo reported on two upcoming rezoning requests that will be before the Board of Supervisors at their March 27, 2006 meeting. A rezoning request by Warm Hearth for 91 single-family home units and a rezoning request by Huckleberry Ridge, LLC for 254 units (single-family and townhomes). One major concern by the Planning Commission on the Huckleberry Ridge LLC’s rezoning request is the main entrance to the development is being proposed across the Huckleberry Trail.

Supervisor Politis reported the Planning Department held a community meeting to discuss the Riner Village Plan. He found the meeting to be very productive with many good ideas. The final meeting is scheduled for April 1, 2006.

Supervisor Perkins **Crab Creek Road – Revenue Sharing** Supervisor Perkins stated she would like to see Crab Creek Road be added as a project under the Revenue Sharing Program. She requested that this road be added in the next round of roads to be considered.

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, March 27, 2006 at 6:00 p.m.

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed
Doug Marrs
Mary W. Biggs
Annette S. Perkins
James D. Politis
John A. Muffo
Steve L. Spardlin

NAY

None

The meeting adjourned at 10:25 p.m.

APPROVED:_____	ATTEST:_____
Steve L. Spradlin	B. Clayton Goodman, III
Chair	County Administrator